

AMENDED IN SENATE APRIL 23, 2007

SENATE BILL

No. 850

Introduced by Senators Maldonado and Correa
(Coauthor: Assembly Member Adams)

February 23, 2007

An act to add Article 4.5 (commencing with Section 103040) to Chapter 7 of Part 1 of Division 102 of the Health and Safety Code, relating to vital records.

LEGISLATIVE COUNSEL'S DIGEST

SB 850, as amended, Maldonado. ~~Birth certificates: stillborn births.~~
Vital statistics: certificate of still birth.

Existing law requires the State Registrar of Vital Statistics, to administer the registration of births, deaths, fetal deaths, and marriages. Existing law requires that each fetal death in which the fetus has advanced to or beyond the 20th week of uterogestation to be registered with the local registrar of births and deaths of the district in which the fetal death was officially pronounced within 8 calendar days following the event and prior to any disposition of the fetus.

This bill would enact the Missing Angels Act, which would require the local registrar of births and deaths of the ~~district~~ *county* in which a fetal death, in which the fetus has advanced to or beyond the ~~20th~~ *24th* week of uterogestation is registered, to issue, upon request, to the father or mother ~~or his or her designee~~, a certificate of ~~birth resulting in stillbirth~~ *still birth* on a form approved by the State Registrar of Vital Statistics for ~~each fetal death occurring in this state after the 20th week of uterogestation, as provided.~~ *The bill would define still birth for this purpose to be delivery of a fetus where there was a naturally occurring intrauterine fetal death that occurred after a gestational age of not less*

than 24 weeks. The bill would prescribe information to be contained in a certificate of still birth. The bill would also require the state registrar to determine the appropriate cost to be charged for the processing and printing of a certificate of still birth and would authorize a local registrar of births and deaths to charge an appropriate fee for the processing and issuance of a certificate. By imposing a new requirement on local registrars of births and deaths, the bill would impose a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 4.5 (commencing with Section 103040)
2 is added to Chapter 7 of Part 1 of Division 102 of the Health and
3 Safety Code, to read:

4
5 Article 4.5. Missing Angels Act
6

7 103040. This act shall be known, and may be cited, as the
8 Missing Angels Act.

9 103040.1. (a) The local registrar of births and deaths of the
10 ~~district county~~ in which a fetal death, in which the fetus has
11 advanced beyond the ~~20th~~ 24th week of uterogestation, is
12 registered, shall issue, upon request ~~to~~ of the mother or father of
13 the fetus, or his or her designee, a certificate of birth resulting from
14 ~~stillbirth~~ still birth, on a form approved by the State Registrar of

1 Vital Statistics for each fetal death occurring in this state after the
2 20th week of uterogestation naturally occurring intrauterine fetal
3 death after a gestational age of not less than 24 completed weeks.

4 (b) A certificate of ~~birth resulting in stillbirth~~ still birth issued
5 pursuant to subdivision (a) shall, *except as otherwise set forth in*
6 *this section*, comply with all of the format and filing requirements
7 governing a certificate for a live birth contained in Article 2
8 (commencing with Section 102425).

9 (c) *The request for a certificate of still birth shall be on a form*
10 *prescribed by the State Registrar of Vital Statistics.*

11 (d) *The certificate of still birth shall only contain all of the*
12 *following information:*

13 (1) *The date of the stillbirth.*

14 (2) *The county in which the stillbirth occurred.*

15 (3) *The name of the stillborn child, as provided on the original*
16 *or amended fetal death certificate.*

17 (4) *The sex and place of stillbirth of the still born child,*
18 *including street address and city.*

19 (5) *The names, date of birth, and state of birth of the mother*
20 *and father.*

21 (6) *The corresponding file number of the final fetal death*
22 *certificate.*

23 (7) *A title at the top of the certificate of still birth that reads:*
24 *Certificate of Still Birth.*

25 (8) *A statement at the bottom of the certificate of still birth that*
26 *states: This certificate of still birth is not proof of a live birth.*

27 (e) *The State Registrar of Vital Statistics shall not use the*
28 *information included on a certificate of still birth for any*
29 *governmental purpose other than to respond to the request for the*
30 *certificate from the persons identified in subdivision (a).*

31 (f) *The State Registrar of Vital Statistics shall determine the*
32 *appropriate cost for the processing and printing of a certificate*
33 *of still birth. The local registrar of births and deaths may charge*
34 *an appropriate fee for the processing and issuance of a certificate*
35 *of still birth.*

36 (g) *The State Registrar of Vital Statistics shall issue a certificate*
37 *of still birth upon request regardless of the date on which the*
38 *certificate of fetal death was issued.*

39 (h) *This section shall not be used to establish, bring, or support*
40 *a civil cause of action seeking damages against any person or*

1 *entity for bodily injury, personal injury, or wrongful death for a*
2 *stillbirth.*

3 *(i) For the purposes of the section, “still birth” means the*
4 *delivery of a fetus where there was a naturally occurring*
5 *intrauterine fetal death after a gestational age of not less than 24*
6 *completed weeks.*

7 ~~SEC. 2.—If the Commission on State Mandates determines that~~
8 ~~this act contains costs mandated by the state, reimbursement to~~
9 ~~local agencies and school districts for those costs shall be made~~
10 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
11 ~~4 of Title 2 of the Government Code.~~

12 *SEC. 2. No reimbursement is required by this act pursuant to*
13 *Section 6 of Article XIII B of the California Constitution because*
14 *a local agency or school district has the authority to levy service*
15 *charges, fees, or assessments sufficient to pay for the program or*
16 *level of service mandated by this act, within the meaning of Section*
17 *17556 of the Government Code.*